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BUREAU OF
AIR REGULATION

February 21, 1997

Mr. C. H. Fancy, P. E., Chief
Bureau of Air Regulation
Florida Department of
Environmental Protection
Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: DAP II Plant
Construction Permit No. 1050059-015-AC
Permit Nos. East - AO53-215386, West - AO53-215387
AIRS ID No. 1050059
Unit ID Nos. East - 045, West - 046
New Wales Plant

Dear Mr. Fancy:

Enclosed is the Affidavit of Publication of the Notice of Intent to Issue Permit published in the Lakeland Ledger on Monday, February 17, 1997 as required by the Department.

IMC-Agrico requests that Condition No. 1 be amended as follows:

“the plant, both production trains (east and west), will not operate over 15,840 hours per year total. The west train shall not operate over 8,030 hours per year and the maximum operating hours for the east train shall be the reduced from 7,920 hours per year by the number of hours the west train operates above 7,920 hours per year.”

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This language will allow operations additional flexibility without affecting the requirements of the original construction permit. Also, the reference to the 8,030 is unnecessary as long as the permitted operating hours for the two trains is 15,840 hours per year.

If there are any questions regarding this matter, please contact me at 941-428-7106.

Sincerely,

A handwritten signature in black ink, appearing to read "P. A. Steadham". The signature is fluid and cursive, with a long horizontal line extending to the right.

P. A. Steadham
Chief Environmental
Services - Concentrates

Enclosure

cwk
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AFFIDAVIT OF PUBLICATION

THE LEDGER Lakeland, Polk County, Florida

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Nelson Kirkland, who on oath says that he is Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Notice Of Intent

in the matter of
.....
Draft Permit No. 1050059-015-AC/PSD-FL-114

in the

Court, was published in said newspaper in the issues of

February 17;

1997.

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

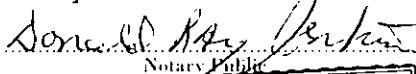
Signed 
Nelson Kirkland

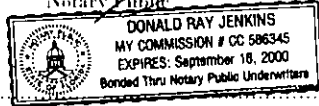
Classified Advertising Manager
By Nelson Kirkland who is
personally known to me

Sworn to and subscribed before me this 17th

day of February A.D. 19..... 97

(Seal)


Notary Public



My Commission Expires

Order#658420
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PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit No.: 1050059-015-AC/PSD-FL-114
IMC-Agrico New Wales Facility/DAP II Plant
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue a Draft Air Construction Permit (DAP II) for the IMC-Agrico Phosphate Plant (DAP II) located at the New Wales Facility, County Line Road and State Highway 640, southwest of Mulberry, Polk County, A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-217.400 F.A.C. and 40 CFR 51.21. Prevention of Significant Deterioration (PSD) The permit will be a re-issuance of the expired construction permit for the existing plant and will incorporate past amendments and modifications including the present change. Under the present change, operation will be increased by 110 hours per year at the west DAP II train. This will result in minimal increases in emissions from the facility which are below significance with respect to PSD and will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are IMC-Agrico Company, P.O. Box 2000, Mulberry, Florida 33860-1100.

The Department will issue the FINAL Permit in accordance with the conditions of the DRAFT Permit, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Any written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection, if written comments received result in a significant change in this DRAFT Permit, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S. or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-520 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

IRMA Agrico
New Wales
1050059-015-AC
PSD-FI-114

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) the names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement; and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8318
Telephone: 813/744-6100
Fax: 813/534-7058

A complete project file includes the Draft Application, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.